

UNITED STATES DISTRICT COURT ***FILED***
for the

Western District of Texas El Paso Division

United States of America
v.
Francisco Javier SORIANO-Tapia

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Case No.

OCT 24 2016
CLERK, U.S. DISTRICT COURT
BY *[Signature]*
WESTERN DISTRICT OF TEXAS

DEPUTY

EP-16-M-4135-MAT

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 20, 2016 in the county of Hudspeth in the
Western District of Texas, the defendant(s) violated:

Code Section
8 U.S.C. 1326

Offense Description
being an alien to the United States, enter, attempt to enter, and was found in the United States after having been previously excluded, deported, and removed from the United States without receiving permission to reapply for admission to the United States from the Attorney General of the United States and the Secretary of Homeland Security, the successor pursuant to Title 6, United States Code, Sections 202(3), 202(4), and 557

This criminal complaint is based on these facts:

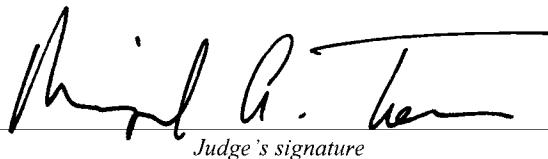
The DEFENDANT, Francisco Javier SORIANO-Tapia, an alien to the United States and a citizen of Mexico was found in the United States on October 20, 2016 in Sierra Blanca, Texas in the Western District of Texas. From statements made by the DEFENDANT to the arresting agent, DEFENDANT was determined to be a native and citizen of Mexico, without immigration documents allowing him to be or remain in the United States legally. Defendant has been previously removed from the United States to Mexico on March 28, 2012 through Harlingen, Texas. The DEFENDANT has not received permission from the Attorney General of the United States or the Secretary of Homeland Security to reapply for admission into the United States.

Continued on the attached sheet.



Complainant's signature

Channon Aguirre Border Patrol Agent
Printed name and title



Judge's signature

Sworn to before me and signed in my presence.

Date: October 24, 2016

City and state: El Paso, Texas

Miguel A. Torres U.S. Magistrate Judge
Printed name and title

CONTINUATION OF CRIMINAL COMPLAINT

WESTERN DISTRICT OF TEXAS

October 24 2016

FACTS: (CONTINUED)

From statements made by the DEFENDANT to the arresting agent, he was determined to be a native and citizen of Mexico, that last entered the United States illegally in an unknown area along the United States / Mexico International Boundary Line 45 miles east of the Fort Hancock Port of Entry in the Western District of Texas on October 13, 2016 and was not inspected, admitted, or paroled by a Customs and Border Protection Officer with the Department of Homeland Security.

Border Patrol Agent Luis Gonzalez was assigned checkpoint duties on the 0600-1600 hour shift. At approximately 8:45 a.m., the agent responded to a report via service radio of an individual walking alongside of Interstate Highway 10 near mile marker 105 west of Sierra Blanca, Texas. The agent left the checkpoint to perform a welfare check of the reported individual. The agent observed a person wearing brown pants and a black sweatshirt walking west bound on the shoulder of Interstate Highway 10 at approximately mile marker 105. At that point the agent activated his emergency lights identified himself as a United States Border Patrol Agent and asked the subject later identified as the DEFENDANT as to his citizenship. The DEFENDANT stated he was a citizen of Mexico and was not in possession of any immigration documents to be in or remain in the United States legally nor did he have any petitions pending on his behalf. At that point, the DEFENDANT was placed under arrest and was transported to the Sierra Blanca Checkpoint office for processing and disposition.

The DEFENDANT's fingerprints and photo were entered into IDENT/IAFIS databases yielding positive immigration and negative criminal history:

Record checks through Big Bend Sector Radio Communications confirmed the subject had immigration history and criminal history.

Administrative /Criminal Rights:

Once inside the checkpoint office, Border Patrol Agents read the subject his Miranda Warning Rights in the Spanish language as per Department Form I-214 the DEFENDANT acknowledged understanding his rights by signing Department I-214 indicating that he was willing to answer all our questions.

IMMIGRATION HISTORY:

The DEFENDANT was apprehended by the Nogales, Arizona Border Patrol on 10/26/2010. The DEFENDANT was processed as an Expedited Removal. The DEFENDANT was ordered removed on 10/26/2010 and subsequently removed to Mexico on 10/26/2010 through the Nogales Port of Entry in Nogales, Arizona.

The DEFENDANT was apprehended by Border Patrol in Harlingen, Texas on 03/26/2012. The DEFENDANT's original order of removal was reinstated and he was removed to Mexico on 03/28/2012 through Harlingen, Texas.

CRIMINAL HISTORY:

On 03/26/2012 the DEFENDANT was arrested by Border Patrol in Harlingen, Texas and charged with 8 USC 1325 (Illegal Entry). The DEFENDANT was subsequently convicted on 03/28/2012 and sentenced to time served.

Since his last removal, the DEFENDANT has neither asked nor received permission from the Secretary of the Department of Homeland Security to enter the United States legally and is therefore deemed illegally present in the United States.

Further immigration records checks revealed that the DEFENDANT has been previously removed from the United States and has not received permission from the Attorney General of the United States or the Secretary of Homeland Security to reapply for admission into the United States.

CONTINUATION OF CRIMINAL COMPLAINT

WESTERN DISTRICT OF TEXAS

October 24 2016

FACTS: (CONTINUED)

Because this Affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.